

Introduced by Senator LiuFebruary 26, 2009

An act to add Chapter 7 (commencing with Section 94700) to Part 59 of Division 10 of Title 3 of the Education Code, relating to private postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 489, as introduced, Liu. Private postsecondary education: Private Postsecondary and Vocational Education Reform and Student Consumer Protection Act of 2009.

The former Private Postsecondary and Vocational Education Reform Act of 1989, which became inoperative on July 1, 2007, and was repealed on January 1, 2008, was administered by the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs. The former act generally effectuated legislative intent to ensure minimum standards of instructional quality and institutional stability in private postsecondary educational institutions and required the bureau, among other things, to review and investigate all institutions, programs, and courses of instruction approved under the act.

This bill would enact the Private Postsecondary and Vocational Education Reform and Student Consumer Protection Act of 2009, which would express the intent of the Legislature to, among other things, provide for the protection, education, and welfare of California's citizens, postsecondary educational institutions, and students, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 94700) is added to Part 59 of Division 10 of Title 3 of the Education Code, to read:

CHAPTER 7. THE PRIVATE POSTSECONDARY AND VOCATIONAL
EDUCATION REFORM AND STUDENT CONSUMER PROTECTION ACT
OF 2009

94700. This chapter shall be known, and may be cited, as the Private Postsecondary and Vocational Education Reform and Student Consumer Protection Act of 2009.

94705. The Legislature finds and declares all of the following:

(a) It is the intent of the Legislature to promote the effective integration of private postsecondary education into all aspects of California's educational system and to foster and improve the educational programs and services of private postsecondary educational institutions while protecting the citizens of the state from fraudulent or substandard operations.

(b) It is further the intent of the Legislature to recognize the enormous diversity and quality of California's private postsecondary educational expertise, with its approximately 1,600 privately supported institutions of academic and vocational education. These private colleges and universities play an important role in training California's workforce, enrolling approximately 400,000 students annually.

(c) It is further the intent of the Legislature to assure that graduates of state approved colleges and universities are eligible to sit for state licensure exams provided by the Board of Behavioral Sciences and the Board of Psychology.

(d) It is further the intent of the Legislature to provide for the protection, education, and welfare of California's citizens, postsecondary educational institutions, and students by providing for all of the following:

(1) Ensuring minimum standards of instructional quality and institutional stability for all students in all types of institutions, and thereby encouraging the recognition by public and private institutions of completed coursework and degrees and diplomas

1 issued by private institutions in order to provide students equal
2 opportunities for equal accomplishment and ability.

3 (2) Establishing minimum standards concerning the quality of
4 education, ethical and business practices, health and safety, and
5 fiscal responsibility to provide protection against substandard,
6 transient, unethical, deceptive, or fraudulent institutions and
7 practices.

8 (3) Prohibiting the granting of false or misleading educational
9 credentials.

10 (4) Prohibiting misleading literature, advertising, solicitation,
11 or representations by private educational institutions or their agents.

12 (5) Recognizing the importance of providing adequate funding
13 through application and renewal fees and federal funding for the
14 veteran's approval process, in order to support the state's activities
15 in implementing this chapter.

16 (6) Protecting consumers and students against fraud,
17 misrepresentation, or other practices that may lead to an improper
18 loss of funds paid for educational costs, whether financed through
19 personal resources or state and federal student financial aid.

20 (7) Establishing a path for the development of institutions
21 offering fields of study or methods of instruction and innovative
22 educational delivery systems that have not been previously
23 recognized, in order to encourage those institutions to become
24 fully approved institutions.

25 (8) Recognizing and encouraging quality nongovernmental
26 accreditation, while not ceding to that or any other
27 nongovernmental process the responsibility for state oversight for
28 purposes of approval, if the accreditation process fails either to
29 protect minimum standards of quality or to acknowledge legitimate
30 innovative methods in postsecondary education.

31 (9) Providing an administrative agency staffed by individuals
32 who are knowledgeable about private academic and vocational
33 education, and charged with the responsibility of developing
34 policies and procedures for the oversight and approval of private
35 postsecondary and vocational education. The administrative agency
36 should have responsibility for managing a broadly construed policy
37 and planning process that seeks to improve state accountability
38 for private postsecondary and vocational education and to improve
39 the articulation of private postsecondary and vocational education
40 with the public and independent postsecondary educational

1 community. The administrative agency should provide the
2 leadership and planning needed to maintain and develop a strong
3 private sector within the public and independent postsecondary
4 educational community.

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